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HUANG CHUANG-PAN

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TJW

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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

In re Application of
CHUANG-PAN, et al.
Application No. 09/771,516
Filed: January 17, 2001
Attorney Docket No.

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 22, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, December 10, 2002, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 11, 2003.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(1) the required reply. For applicants conveyance, a copy of the non-final office action previously mailed on December 10, 2002 is enclosed with this decision.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted.

The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

The person signing the instant petition requests a change of correspondence address to the address given in the instant petition. There is, however, no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

Telephone inquiries concerning this decision should be directed to Monica Graves at (571) 272-7253.

Sherry D. Brinkley
Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: **JIAWEI HUANG**
 JC PATENTS, INC.
 4 VENTURE, SUITE 250
 IRVINE, CA 92618



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,516	01/17/2001	Huang Chuang-Pan		6771

7590 12/10/2002

Huang Chuang-Pan
Sec 1
NO. 52, Alley 41, Lane, An-Ho Rd.
Tainan City, 9F 3R
TAIWAN

EXAMINER

HUYNH, KIM NGOC

ART UNIT

PAPER NUMBER

2836

DATE MAILED: 12/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/771,516	CHUANG-PAN ET AL
	Examiner Kim Huynh	Art Unit 2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 January 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. The claims are objected to because they include reference characters which are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Lines 13 and , "said terminal" and "said first terminal" lack antecedent basis since they are not consistent with the preceding terminals "a terminal" P1 and "another terminal" P2. It is suggested term such as "first" and "second" terminals is used throughout the claims for consistency when refers to terminal P1 and P2.

How can a terminal (P2) forms "a signal dividing voltage circuit" (lines 8-9)?

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It is unclear what signals are transmitted by the other terminal (P2) to compare circuit (lines 10-11). Line 23, "the subsequent circuit" lacks antecedent basis.

Correction/clarification required.

4. The following rejections are made based on the examiner's best interpretation of the claims in light of the 35 USC 112 rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1 is rejected under 35 U.S.C. 103(a) as being obvious over Tsai (US 6,135,427) in view of Unoguchi et al. (US 4,449,188) or Kirchner et al. (US 4,146,775).

Tsai discloses (Figs. 10-13) a protective circuit for a humidifier having an DC input 413, a voltage stabilizer 414, a drive circuit 43 for driving an oscillator 434, a first terminal connected to a voltage divider circuit R1-R2, a second terminal (connecting to the water detecting sensor 10) for turning off the drive circuit when the water level is below a certain level (col. 4, ll. 51-69).

Tsai does not disclose an amplifier accepting signals from the first and second terminal. Kirchner discloses (Fig. 3) a protective circuit for a humidifier having a first terminal connected to a voltage divider circuit 22-23, a second terminal 74 connecting to the input terminals of amplifier 27 to control the drive circuit 31. Unoguchi also

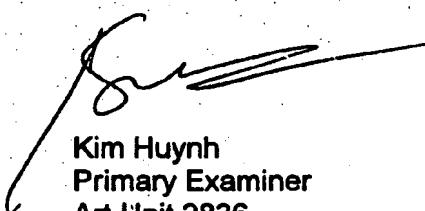
Art Unit: 2836

discloses an amplifier having inputs J1 and J2 for comparing a humidity level 3 and a voltage from a divider circuit R2-R3 for controlling the output. Since utilizing amplifier to compare the values of two signals are well known in the art and as disclosed by Kirchner and Unoguchi as shown above; it would have been obvious to one having ordinary skill in the art to utilize a comparator circuit for controlling the drive circuit of Tsia depending the output signal of the water detector means since Tsia discloses that the water detector means could various types of detector devices.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cox (US 5,014,908), Mitsui et al. (US 3,989,042) and Huang (US 4,820,453) disclose various protection circuits for shutting down the drive circuit when the water level is low in a humidifier.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Huynh whose telephone number is (703) 308-1678.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0658.



Kim Huynh
Primary Examiner
Art Unit 2836

KH

December 3, 2002

Notice of References Cited	Application/Control No.	Applicant(s)/Patent Under Reexamination
	09/771,516	CHUANG-PAN ET AL
Examiner Kim Huynh	Art Unit 2836	Page 1 of 1

U.S. PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
A	US-6,135,427	10-2000	Tsai, Tony Teh-Feng	261/26
B	US-4,449,188	05-1984	Unoguchi et al.	700/276
C	US-4,146,775	03-1979	Kirchner et al.	392/327
D	US-4,820,453	04-1989	Huang, Chuang-Pang	261/26
E	US-3,989,042	11-1976	Mitsui et al.	128/200.16
F	US-5,014,908	05-1991	Cox, Karmen D.	236/44E
G	US-			
H	US-			
I	US-			
J	US-			
K	US-			
L	US-			
M	US-			

FOREIGN PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
N					
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P					
Q					
R					
S					
T					

NON-PATENT DOCUMENTS

*	Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
U	
V	
W	
X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
 Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

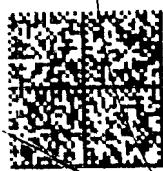
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